/37 cont'd/

427 amount. If the property is rented, the duration as well as the rate of rent /38/ is fixed. It is to be paid either in one payment or by yearly instalment. After the contract has expired, they are either to move away or to renew the contract, which is determined by mutual agreement. If the property is purchased, the price is usually
● 423 greater than if it were rented. After the contract is signed, the rights of the mountain are transferred to the Miao purchaser, who may make use of it as he will. The original seller no longer has any rights whatever. The reason why some people among the Miao are able to remain for relatively longer periods in one locality is that they have acquired the ownership of the mountains they live on.
[675] Whether the mountain is rented or purchased, a contract is signed by both parties. The name of the mountain, the price or rent, and the duration if it is rented, are clearly stated. There are many mountains which have been purchased with joint funds of the villagers,
[422] but on the contract only the name of the shan-chia or chia-ch'ang is written, because he is the representative of the whole village during the negotiations and the contract is also kept by him. In the home of a Miao chia-ch'ang, we saw many different contracts of this kind. Some of them are translated as follows:

675 "We, the signers of the contract for Ya-nan Mountain, T'ung
539 Li, Lao Ta-k'ai, Shih Chün and Ying Kuo-ying-chi, having ex-
423 amined the vegetation and marked the soil, hereby agree that the price of the mountain shall be 66 dollars. The expe[illegible]o-ping /the commission?/ shall be 350 cash and a peck of rice from each family. The mountain products, ching-pi, shan-ma, deer horn, bear gall, red and white rattan, are all the property of the owners of the mountain; they shall not be stolen or sold. The Miao will be allowed to cut wood on this mountain for the next 25 years. This contract shall not be revoked on any pretext. Since oral agreement is subject to dispute, this written contract has been drawn as evidence.

Witnessed by Ch'iu K'ai-i

675 /38 cont'd/
539 This contract is signed in public on the fifteenth day of the
423 second month of the twenty-sixth year of Kuang-hsü, the year of Keng-tze /1900/."

"Again: On the preceding day, the Miao people signed an agreement to pay 270 silver dollars for the mountain land of Mao-kai Mountain. This contract is signed on the seventh day of the first month of the sixteenth year of the Republic /1927/."

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675 /39/ "The rent of Mt. Mao-jui shall be roughly one peck of
423 rice, 350 cash, one jar of wine, and one chicken, to be collected
427 every year."
436

"Wang Kung-ch'ing

427 A new contract has been signed in the year ting-mao of the
675 Republic /1927/; every family is to pay four dollars in the spring of every year. The expenses for tao-ping /commission?/ shall be 305 cash from each family; the expenses for shih-sheng /?/, 100 cash; one chicken, one peck of rice, and one jar of wine from each family.

Black beans, edible fungi, and other mountain products are all included."

The above are contracts for renting mountains.

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423 "Again: The lands of Mt. Mao-jui have been purchased from
675 the sellers Li Yüng-sheng, Li Yüng-sheng /sic/, and Mei Ch'ang-sheng. Mt. Mao-jui has been purchased in the twenty-second year of Kuang-hsü /1896/. The price agreed upon is 100 large silver dollars."

/39 cont'd/

423 675 "Again: The lands of Mt. Mao-jui have been purchased in the second year of Hsüan-t'ung /1909/ from P'an Chao and Li Yüng-sheng, who hereby jointly sell the land to Lao Pan at the agreed price of 60 large silver dollars."

"Again: In the second year of the Republic /1913/, Chang Ming-yao has raised /the price?/ 12 dollars."

"Again: Chin chia-ch'ang has purchased the lands of Mt. Mao-jui. Chang Ming-yao sells the aforesaid land to Chin Chia-ch'ang. The agreed price is 200 large silver dollars. This certificate of purchase is signed and executed in the fourteenth year of the Republic /1925/. /40/ The undersigned Chang Ming-yao, Huang Hsing-li, Ch'en Ch'en-chou, and Li Hsi-ch'ing together with the Li people purchase Mt. Mao-jui which is to be transferred to Lao Teng and Lao Chin for cultivation. The agreed price is 350 silver dollars. Sixteenth day of the second month of the twenty-second year of the Republic /1933/."

"Mt. Nan-shih-lung has been purchased at the agreed price of 576 large silver dollars, on the seventh day of the second month of the first year of the Republic /1912/."

"The sellers of Mt. Nan-shih, Wang Kai-lung and Wang Kai-ch'un sell the said land to Teng Chia-ch'ang at the agreed price of 130 large silver dollars. Tenth day of the third month of the eighteenth year of the Republic /1929/."

421 423 621 The above are contracts for the purchase of mountains. Since these mountains are based or purchased through funds contributed by each family of the whole village, they are, of course, community property. Each family of the village has an equal right in the use of the land. In other words, people of the

/40 cont'd/

421 mountain have the right to cultivate freely on any one piece of land
423 on the mountain without interference from any one else. On the
621 other hand, people of neighboring mountains are not allowed to cross the border line. Their method of distributing the land is as follows: If a family wants a piece of land to cultivate, it may select an area, the boundaries of which are marked off on the branches of trees. /41/ The land so marked then temporarily belongs to it. Thereafter if someone sees these marks, he knows that the land is already occupied and he must look for land elsewhere. But after this family has harvested its crops, the land reverts to public ownership.

421 Whereas the aforesaid system of community ownership of land
423 is actually the case among the Miao, the system of private ownership of land also exists. Since the family is the basic unit of Miao social organization, the property accumulated by different families varies. In addition to the communal lands, the wealthy families
554 also have private lands leased or purchased from the Li or from
421 Chinese merchants. Some of them have even bought a number of irrigable rice paddies. They are, of course, better off than the average Miao. For example, the family of Lu Tsun-ying, the chia-ch'ang of Ang-chi village in Ta-ch'i, owned both mountain land and level fields. They also hired several workers to cut lumber in the mountains from which he gained considerable income. However, in actuality there are only a very few such wealthy people among the Miao.

421 With the exception of communal land, all other property is privately owned by different families, and is never confused with communal property.

421 In short, while the system of private ownership of property
556 exists in Miao society, there are only very limited opportunities for accumulating property, and individuals are not able to create a greater measure of wealth. Moreover, the greater part of production
554 comes from the land which is still under communal ownership, and consequently the distinction between the rich and the poor is not very marked among the Miao. It follows that even the initial stage

/119 cont'd/

648 to take them out of there; that was all they wanted. This was their sincere plea!

181 The Miao are very anxious for land ownership. A Miao leader
185 complained to me vigorously: "Since we are the same people being governed by the same government, why don't we have a chance to own land?" Another one comforted himself by saying: "We don't have land only because the feng-shui in our locality is very poor; so we would have to invite a famous feng-shui expert to adjust it. Then we would be better off naturally." From these conversations we could imagine how anxiously the Miao are dreaming of land ownership. Yet they are not merely "desiring" land or waiting for what fate may decide. They know that land can be bought only
181 with money. If they want land they have to work hard so that they
556 may save some money for the purchase of land. It is indeed true
648 that a great deal of land has been gradually transferred from Li land-
423 lords to the Miao. I personally saw many such land transfer /120/ contracts in Miao homes. This shows how hard the Miao are struggling for a living. Furthermore, such hard circumstances also make the Miao more solidly unified. This fact has surprised many outside observers who have visited the Miao area. Moreover, due to their firm awareness of the struggle for a livelihood, they also possess an anxious desire for learning. They like to read and show their interest
181 in accepting Chinese civilization. When we had just arrived in the
171 Miao area, several young men began to beg us to take them out of there and send them to school. This situation was completely different from that of the Li, who consider that school is prison. One of the Miao leaders complained to us very angrily that two years before the "Li-appeasing official" Ch'en Han-kuang had selected two to three hundred young Li men and sent them to the Yen-t'ang Military Academy at Canton, but that no Miao youths had been selected.

181 Undergoing great hardship, the Miao have established schools
871 in their villages and have paid large salaries to employ Chinese
648 teachers. This usually meets with the opposition of the few Li leaders, who are jealous about it. I heard that the year before a Miao

2:Ling & Ruey--128 E-5 (1933) 1947 AE5 Miao AE5

CHAPTER FIVE

THE FAMILY AND MARRIAGE AND FUNERAL CUSTOMS

(1) The Family

The basic social organization /sic/ of the Miao is the family, and moreover their family structure is the small family system, which consists of husband, wife, and children under age. This kind of small family system is the original system of the Miao. The Miao Fang Pei Lan, in the chapter on villages, says: "Among the Miao people father and sons and brothers do not live together in one house. When a son grows up he lives apart, erecting a new house and then there is another household." Because of the small family system their living quarters as a rule consist of two or three rooms. In the house there is only one bed, and the husband, wife, and children all sleep on it together. When a girl grows up, a separate bed may be set up for her. As a rule the Miao practice monogamy. Sometimes they take a concubine, to live together with the wife, or to live separately. In the family economy, men and women share agricultural work, but household chores are mainly the women's responsibility. Family property consists of fields, houses, animals, and furniture, tools, and utensils. When the children grow up, a boy gets married at 17 or 18, and is given a certain amount of property in order to build a separate house and establish a family. A girl marries at fifteen or sixteen. So, the small family system among the Miao can always be maintained, and is not likely to be expanded.

Because of strict adherence to the small family system, clan organization cannot develop. Among the pure Miao there are the following five surnames: Wu, Lung, Liao, Shih, and Ma. Such surnames as Yang, Shih, P'eng, Chang, and Hung were those of outsiders who married into Miao families and

566 it was said, the departed spirit of the victim of this atrocity.

Such, then, are some of the conditions under which the Miao lived. Round their necks were the millstones of ignorance and oppression, and humanly speaking, they could never climb higher. They were chained in the Slough of Despond.

131 489 [423] And now let us travel to Miao-land, where these men and women dwell, a people who are amongst the most needy in the world. "Miao-land" is not a stretch of country where you will find Flowery Miao exclusively, because the Miao do not possess land. Miao-land is a section of China inhabited by a preponderance of Chinese, patches of Nosu and, in less accessible regions, large communities of Miao.

Embarking on either a French or a British steamer in that most beautiful harbour of Hongkong, we will slip down the China coast and after two, three or four days glide gently up the delta of the Red River into Haiphong. Here we will board a train which, after chugging for three days (at times the gradient is so steep that one feels that by leaning forward one could help the puffing engine), the train will deposit you in Yunnanfu, the capital of the province of Yunnan. The Tonkin-Yunnan railway, with its ascending slopes, its dauntless bridges, its viaducts and tortuous tunnels, is one of the engineering feats of the world of which the French nation may justly be proud. Kunming (Yunnanfu) is the terminus, but our

[164 cont.]

768 inherited estate, upon which other children may likewise live, according to the particular arrangements agreed upon.

Among the settled "Méo" tribes (near irrigated rice fields or 423 particularly fertile areas) the idea of property is clearly established. The ground belongs to the one who has cleared it or laid it out, and it is transmitted by inheritance.

Everywhere else customs are found analogous to those of the "Man," the ground belonging temporarily to the one who cultivates it, but it is abandoned when it is exhausted or when a better piece of ground is found near which one goes and settles.

The "Méo" woman gives birth sitting on a tabouret, supported 844 by her mother and by other old women. She afterward lies down on a cot bed. The placenta is buried in front of the door, if a boy is 553 born; it is buried [165] under the hearth if it is a girl (1). Thirty-
852

[775] 1. The "Méo" must know where his placenta is so that he may retrieve it when he is reincarnated.

three days after his birth the child receives his name. Relatives and friends bring presents to him and this is the occasion for a feast [527] as sumptuous as the resources of the family permit. Gifts and feasts are renewed upon all the birthdays. In principle, the children are 853 n[illegible]d for three years.

Abortion is practiced among the "Méo" for all irregular 847 pregnancies (unmarried women and widows). In case of failure, the baby simply is abandoned from the moment of his birth and dies of hunger.

Among certain "Méo" tribes of China the "couvade" still is 846 practiced (the husband goes to bed during the accouchement and receives treatment). This custom is not practiced by the "Méo" of Tonkin, but one observes among them customs that appear to be derived from it. The husband must follow a vegetable diet, he is forbidden to be away from home and to cross over the passes leading toward the neighboring valleys.

582 The "Méo" may contract marriage, either within their own clan, or within any other tribe of the group. They marry very seldom outside their group.

39: Bernatzik--321 E-5 (1936-1937) 1947 AO1 Thailand
Miao AE5

Chapter 12

Law and the Administration of Justice

a) Property Law

423 Among the Meau uncultivated land formerly belonged to
[643] the king, later to the great chief, and today to the village chiefs.
[634] Cultivated land belongs to the person who has planted or in-
[622] herited it, that is to say, to the head of the large /extended/
[596] family in question. Conditions seem to be the same in Tonkin,
[184] since both Lajonquière (1) and Abadie (2) confirm my observations.

1. II, pp. 319 and 320.

2. Page 164.

The latter points out that among the Meau who live near irrigated rice fields or especially fertile soil the property rights over landed property are precisely established. The land belongs to the person
[428] who cultivates and manages it, and it is transferred by hereditary transmission.

423 The situation regarding landed property among the Meau in
622 Thailand is regulated in a very practical way. Every village
628 chief is free to take possession of uninhabited land, into which he moves. If another village is already present in the territory concerned, permission must be obtained from the village chief there, who, by his mere presence, originally took possession of the land. If there is enough cultivable land for all the parties, this permission is always granted in practice. No special fee or rent has to be paid.

423 Accordingly, the head of every large /extended/ family is
596 free to cultivate the untilled land lying in the vicinity of the
622 village, which, as such, belongs to the village chief, without the special permission of the latter.

/240/

241 Through the labor performed on the land, it thereby passes
423 into the possession of the head of the large /extended/ family.
596 Every large family cultivates its land collectively; there is no distribution of the land among the individual small families of the family union. Just as a large family often cultivates several fields at the same time, it also frequently happens that several large families jointly cultivate only one large field. It depends on the number of individuals in a large family. If several large families, each with few members, jointly cultivate the soil, the land is divided into corresponding sections, each of which is tilled by one large family. Since the fields remain productive for only a short time, a later redistribution is unnecessary.

423 Wild fruits, plants, or trees belong to the person who collects or uses them.

422 Among the Meau only the house itself belongs to the head
[423] of the large family, whereas the furnishings are the joint property
[596] of all the occupants. This is true of the kitchen equipment, the domestic animals, saddles, bridles, and the like. On the other hand, clothing, weapons, and personal ornaments are the prop-
[431] erty of the individuals, who usually obtained these objects as gifts, for example, from the head of the large family or the partner of a love affair, and, in the case of children, from their parents, or they made them themselves, such as weapons, traps, and so forth. Similarly, the equipment that the wife has brought into the marriage, such as clothing and the dowry in general, remains her personal property.

The Meau have no special marks of ownership; hence such distinguishing marks are used neither on personal property nor on the domestic animals of the large family.

426 The legal conditions are definite for every form of loan, whether it is money, that is, silver, or field produce, animals, etc. that is involved. Loans are granted and handed over in the presence of three witnesses. No interest has to be paid for a loan up to one year; for a longer period, regardless of whether it is paid back in two years or in ten, interest has to be paid once, amounting to one-third of the value received. For example, if a person has borrowed 21 baskets of rice, 28 baskets are

/354 cont./

178 Lajonquière (2), too, has devoted attention to the culti-
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2. II, p. 309.

vation of this field product among the Meau: "Wherever the Meau were able to adopt wet-rice fields, they have preferred to devote themselves to this work."

241 When the Meau in Thailand has found a suitable site in
[596] the forest for laying out fields, he goes there at the beginning
[782] of the dry season with the members of his large /extended/ family, sacrifices spirit-money, and requests first the ancestors and then the high Father-Mother spirit to help him and to protect him and his family against falling trees. Then all possible
[787] omens are carefully noted. If no bad omens are discovered and none appear during the clearing that is now begun, the work is diligently continued. First the brush and the small trees, later the larger ones, are cut. Giant trunks, however, which offer /355/ too much resistance to the axes of the natives, are only hacked circularly, and the brush is piled up high around
[314] them. If resinous pine is encountered during this work, it is left standing, but tapped so that the resin flowing out, which is a desirable product, will collect in the hollows of the tree. About a month later, when the cut underbrush and wood are thoroughly dry, the field is burned off and cleared of the half-burned wood; the latter is now piled around the trunks of the still unconquered primeval-forest giants, and everything is set afire again. Thus, even the mightiest trunks are finally
[243] destroyed and only slightly hinder the growing seed of the mountain rice in its development under their crowns now stripped of foliage.

243 During the time between the burning and the first rains, which are awaited for the cultivation so that the forest soil will be sufficiently softened to receive the seed, the Meau
[343] erect a small workhouse which is never lacking (Ill. 104).[1]
[417] On the other hand, no fence is built around the field, unless it borders on the field of another. In that case a fence of
[423] crude wooden sticks is erected on the boundary line. After

[1] [see cat 116, p705- ANALYST]